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OSMM&N File No. 211226US0X
Serial No. 09/938,641
In the matter of the Application of: Achim MARX, et al.
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE OXYR GENE

Due Date: n/a

The following has been received in the U.S. Patent Office on the date stamped hereon

- Dep. Acct. Order Form
- PTO Cover Letter
- Amendment Under 37 CFR 1.312

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Docket No.: 211226US0X

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COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/938,641
Applicants: Achim MARX, et al.
Filing Date: August 27, 2001
Allowed Date: February 24, 2005
For: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE OXYR GENE
Group Art Unit: 1652
Examiner: K. Kerr

SIR:

Attached hereto for filing are the following papers:

Amendment Under 37 CFR 1.312

Our check in the amount of **$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 211226US0X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
ACHIM MARX, ET AL.	: EXAMINER: K. KERR
SERIAL NO: 09/938,641	: ALLOWED DATE: FEBRUARY 24, 2005
FILED: AUGUST 27, 2001	: GROUP ART UNIT: 1652
FOR: NUCLEOTIDE SEQUENCES WHICH CODE FOR THE OXYR GENE	:

AMENDMENT UNDER 37 C.F.R. 1.312

This application has been allowed, but the issue fee has not yet been paid.

Kindly amend claims 50 and 52 as shown below:

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 6.

IN THE CLAIMS

1. (Previously Presented) An isolated polynucleotide; which encodes a protein comprising the amino acid sequence of SEQ ID NO: 2.

2. (Cancelled)

3. (Original) A vector comprising the isolated polynucleotide of Claim 1.

4. (Original) A host cell comprising the isolated polynucleotide of Claim 1.

5. (Previously Presented) The host cell of Claim 4, which is a *Corynebacterium*.

6. (Previously Presented) The host cell of Claim 4, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, and *Brevibacterium flavum*.

7.-9. (Cancelled)

10. (Previously Presented) A method for making an OxyR transcriptional regulator protein, comprising:

a) culturing the host cell of Claim 4 for a duration of time under conditions suitable for expression of an OxyR transcriptional regulator protein; and

b) collecting the OxyR transcriptional regulator protein.

11. (Previously Presented) An isolated polynucleotide; which comprises nucleotides 491 to 1471 of SEQ ID NO: 1.

12. (Previously Presented) An isolated polynucleotide, which is fully complementary to nucleotides 491 to 1471 of SEQ ID NO: 1.

13.-18. (Cancelled)

19. (Original) A vector comprising the isolated polynucleotide of Claim 11.

20. (Original) A host cell comprising the isolated polynucleotide of Claim 11.

21. (Previously Presented) The host cell of Claim 20, which is a *Corynebacterium*.

22. (Previously Presented) The host cell of Claim 20, wherein said host cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, and *Brevibacterium flavum*.

23.-25. (Cancelled)

26. (Previously Presented) A method for making an OxyR transcriptional regulator protein, comprising:

a) culturing the host cell of Claim 20 for a duration of time under conditions suitable for expression of an OxyR transcriptional regulator protein; and

b) collecting the OxyR transcriptional regulator protein.

27.-28. (Cancelled)

29. (Original) *Corynebacterium glutamicum* DSM 13457.

30.-39. (Cancelled)

40. (Previously Presented) A method for making an L-amino acid comprising:

culturing in a suitable medium a cell comprising a polynucleotide encoding SEQ ID NO:2, and

recovering the L-amino acid,

wherein said cell overexpresses said polynucleotide and wherein said overexpression is achieved by increasing the copy number of said polynucleotide or operably linking to said polynucleotide a promoter or expression cassette to increase the expression of said polynucleotide.

41. (Previously Presented) The method of Claim 40, wherein said L-amino acid is L-lysine.

42. (Previously Presented) The method of Claim 40, wherein said cell is a *Corynebacterium*.

43. (Previously Presented) The method of Claim 40, wherein said cell is selected from the group consisting of *Corynebacterium glutamicum*, *Corynebacterium acetoglutamicum*, *Corynebacterium acetoacidophilum*, *Corynebacterium melassecola*, *Corynebacterium thermoaminogenes*, and *Brevibacterium flavum*.

44.-49. (Cancelled)

50. (Currently Amended) A modified *Corynebacterium* ~~*Cornynebacterium*~~ comprising multiple copies of the polynucleotide of Claim 1.

51. (Previously Presented) A modified *Corynebacterium* comprising multiple copies of the polynucleotide of Claim 11.

52. (Previously Presented) A *Corynebacterium* modified to contain a polynucleotide encoding SEQ ID NO:2 under the control of an exogenous promoter or expression cassette, wherein the expression of the gene product of said polynucleotide is increased relative to a corresponding, unmodified *Corynebacterium*.

53. The isolated polynucleotide of Claim 1 which comprises SEQ ID NO: 1.

REMARKS

Claim 50 has been amended to correct a typographical error. In view of the nature of the changes no new search is required and no new matter has been introduced. Entry of this amendment prior to issuance is now respectfully requested.

Respectfully submitted,

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